IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 670 OF 2007
IN
CRIMINAL APPEAL No. 346 OF 2006

Office Notes, Office Memorandum of Coram appearances, Court's orders or directions and Registrar's orders :	:	Court's or Judge's orders

Mr. Vipin Kamdi, Advocate i/b
Rahul Kolnoorkar for the applicant.

Mr. P. S. Hingorani, APP for
respondents.

CORAM : R.M.S. KHANDEPARKAR
AND
Mrs. V.K. TAHILRAMANI, JJ.

DATE : OCTOBER 26, 2007.

P.C. [Smt. V. K. Tahilramani, J.]

. Heard the learned advocate for the petitioner and the learned APP for the respondent-State. The applicant has been convicted under S. 302 of I.P.C. The applicant is now seeking bail.

2. The learned advocate for the applicant has submitted that the applicant has been in custody for almost more than 4 years and the appeal of the applicant/appellant is not

likely to be heard in the near future. Hence, the applicant may be granted bail. Moreover, he has submitted that the evidence is not such as to prove the guilt of the applicant. The learned APP has submitted that there is an extra judicial confession made by the applicant to PW 21 Mrs. Anima Robert Kindoo. Besides it, there is recovery of Rs.80,000/- and a pillow, at the instance of the applicant, at his native place. As far as pillow is concerned, the pillow has not been sent to the Chemical Analyser. There is no material to show that the pillow was used in committing the crime. So also, as far as cash is concerned, there is nothing which would connect it to the present crime. As far as extra judicial confession is concerned, it is the case of witness Anima that the three accused persons, including the applicant told that accused No. 1 Geeta Natwarlal Soni had given contract and they killed the deceased. We find it difficult to rely on the circumstance that all the accused had at one time made this statement to this witness by way of extra judicial confession that they murdered Adi Cursetji. Moreover, it is an

admitted fact that the applicant has been in custody for about four years and appeal is not likely to be heard in the near future. Looking to all these facts, we are inclined to grant bail to the applicant.

2. The applicant be released on executing bail in the sum of Rs. 25,000/- with one or two sureties to make up the said amount. Said sureties shall be local sureties. Before being released on bail, the applicant shall furnish the address at which the applicant will reside during the period he will be on bail, to the Investigating Officer. The applicant shall report to Gamdevi Police Station once in a month i.e. on first Monday of every month till the appeal is disposed of. It is made clear that all the above observations are made only in relation to the disposal of bail application.

Application is accordingly disposed of.

Sd/-
[R.M.S. KHANDEPARKAR, J.]

Sd/-
[Smt. V. K. TAHILRAMANI,J.]